

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**BRYAN P. SPENCE, TYLER W. STEF,
RYAN CORCORAN, MITCHELL B.
PIKE, STEVEN R. HAYNES, ANDREW
GRIEB, DANIELLE A. RUNYAN,
CHRISTOPHER M. WU, and ALAN
SOSEBEE, individually and on behalf of
all others similarly situated,**

Plaintiffs,

v.

**LLOYD J. AUSTIN, III, in his official
capacity as United States Secretary of
Defense; THE UNITED STATES
DEPARTMENT OF DEFENSE; and
FRANK KENDALL, in his official
capacity as United States Secretary of the
Air Force,**

Defendants.

Civil Case No. 4:22-cv-00453-O

ORDER

On February 15, 2022, Judge Self of the United States District Court for the Middle District of Georgia preliminarily enjoined Lloyd J. Austin, III, Frank Kendall, III, and Robert I. Miller from enforcing the COVID-19 vaccine mandates of the Department of Defense and the Air Force. *See Air Force Officer v. Austin*, No. 5:22-cv-9, ___ F. Supp. 3d ___, 2022 WL 468799 (M.D. Ga. Feb. 15, 2022). Other plaintiffs then joined the lawsuit and filed an amended class-action complaint. *See* 2d Am. Compl., *id.*, ECF No. 84. The plaintiffs moved to certify a class “consisting of all members of the United States Air Force who (a) are subject to a mandate of the Department of Defense or Air Force to receive a COVID-19 vaccine, (b) submitted a request for religious accommodation regarding such mandate based on a sincerely held religious belief, and (c) have

received or will receive a final denial of such request from the Department of Defense or Air Force.” Pls.’ Mot. to Certify Class 1, *id.*, ECF No. 88. Plaintiffs also moved for entry of a class-wide preliminary injunction. *Id.* The class-certification motion is currently pending.

In light of the preliminary injunction and pending motions in the Middle District of Georgia case, the Court **ORDERS** the parties to file briefs addressing an appropriate course of action for this Court. The briefs shall address (1) the similarity of the facts, claims, relief, defenses, and arguments between the cases, (2) the extent to which the putative classes in the cases overlap, (3) whether the Court should hold this case in abeyance pending a decision from Judge Self on the pending motions, and (4) any other concerns the parties have regarding the Georgia action. Cross briefs shall be filed no later than **July 8, 2022**, and the parties may file cross responses by **July 22, 2022**.

SO ORDERED on this **17th day of June, 2022**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE